

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

EDWIN ERROL ENGLETON,
Plaintiff,
v.
RIVERSIDE COUNTY SHERIFF'S
DEPT. et al.,
Defendants.

No. EDCV 22-586-SB (AGR)

**ORDER TO SHOW CAUSE WHY THIS
ACTION SHOULD NOT BE DISMISSED
WITHOUT PREJUDICE FOR FAILURE
TO PROSECUTE**

For the reasons discussed below, the Court orders Plaintiff to show cause, if there be any, in writing on or before ***August 18, 2022***, why this action should not be dismissed without prejudice for failure to prosecute and/or comply with a court order.

In this prisoner civil rights action, on May 18, 2022, the court issued an order directing service process of the summons and complaint by the United States Marshal upon Defendants Riverside County Sheriff's Department and Sergeant Vencent. (Dkt. No. 8.) On June 6, 2022, Process Receipt and Return (Form USM-285) of summons and Complaint upon Defendants Riverside County Sheriff's Department and Sargent Vencent were filed indicating service on May 24, 2022. (Dkt. Nos. 10-12.)

1 On July 1 and 5, 2022, the court's mail was returned as undeliverable by the
 2 postal service with a notation "inactive." (Dkt. Nos. 13-14.) The CDCR's online inmate
 3 locator website does not show an inmate by Plaintiff's name and CDCR number
 4 (BP8212). Upon inquiry at the last known prison where Plaintiff was previously housed,
 5 the court was informed that Plaintiff was released on June 14, 2022. To date, Plaintiff
 6 has not filed a notice of change of address.

7 It is well established that a district court has the authority to dismiss a plaintiff's
 8 action because of his failure to prosecute or comply with court orders. See Fed. R. Civ.
 9 P. 41(b); *Link v. Wabash Railroad Co.*, 370 U.S. 626, 629-30, 82 S. Ct. 1386, 8 L. Ed.
 10 2d 734 (1962) (court's authority to dismiss for lack of prosecution is necessary to
 11 prevent undue delays in the disposition of pending cases and avoid congestion in
 12 district court calendars); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992) (district
 13 court may dismiss action for failure to comply with order of court); *Carey v. King*, 856
 14 F.2d 1439, 1440-41 (9th Cir. 1988) (district may dismiss action for failure to prosecute
 15 after mail is returned by postal service as undeliverable).

16 Plaintiff is advised that: "If mail directed by the Clerk to a *pro se* plaintiff's
 17 address of record is returned undelivered by the Postal Service, and if, within fifteen
 18 (15) days of the service date, such plaintiff fails to notify, in writing, the Court and
 19 opposing parties of said plaintiff's current address, the Court may dismiss the action
 20 with or without prejudice for want of prosecution." Local Rule 41-6.

21 Accordingly, IT IS ORDERED that, on or before **August 18, 2022**, Plaintiff shall
 22 show good cause, if there be any, in writing why this action should not be dismissed
 23 without prejudice for failure to prosecute and/or failure to comply with a court order.

24 ***If Plaintiff does not timely file a response to this Order to Show Cause or
 25 otherwise respond to this Order to Show Cause on or before August 18, 2022, the
 26 action is subject to dismissal without prejudice for plaintiff's failure to prosecute
 27 and/or failure to comply with a court order.*** See *Link v. Wabash R.R.*, 370 U.S. 626,

1 629-30 (1962). Filing a notice of change of address by August 18, 2022 shall discharge
2 this order to show cause.

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5 DATED: July 18, 2022

Alicia G. Rosenberg

6 ALICIA G. ROSENBERG
7 UNITED STATES MAGISTRATE JUDGE

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